

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BETHANY WILLETT,

Plaintiff,

V.

UNITED HEALTH GROUP, INC.
D/B/A UNITED HEALTH GROUP;
UNITED HEALTHCARE, INC.;
UNITED BEHAVIORAL HEALTH,
INC. D/B/A UNITED BEHAVIORAL
HEALTH AND OPTUMHEALTH
BEHAVIORAL SOLUTIONS; UNITED
HEALTHCARE OF GEORGIA, INC.;
UNITED HEALTHCARE INSURANCE
COMPANY,

Defendants.

Civil Action No. 4:13-cv-01108

DEFENDANTS' DESIGNATION OF EXPERT WITNESSES

Pursuant to the Court's Scheduling Order [Dkt. 11] dated September 6, 2013, the Court's Order Granting Joint Motion to Extend Deadline to Designate Experts [Dkt. 23] dated January 28, 2014, and FED. R. CIV. P. 26(a)(2), and subject to and without waiving their position that the Court must review the claim decision at issue in this ERISA case based solely upon the evidence in the administrative record and that expert testimony outside the administrative record is improper, Defendants designate and state that the following individuals may be used at trial to present evidence under FED. R. CIV. P. 702, 703, or 705 in the unlikely event the scope of review is expanded herein:

1. Jack Greener, M.D.
United Behavioral Health (“UBH”)
by and through its attorneys of record,
FIGARI & DAVENPORT, L.L.P.
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202-3796
(214) 939-2000
(not to be contacted directly)

Dr. Greener is a medical consultant of UBH whose duties do not regularly involve giving expert testimony. Dr. Greener was not retained or specifically employed by Defendants to provide expert testimony in this case, but rather reviewed Plaintiff’s medical records and provided medical opinions to UBH regarding the claims Plaintiff submitted under the subject group medical insurance policy (the “Group Policy”). Although Dr. Greener is not required to prepare a written report under FED. R. CIV. P. 26(a)(2), he may provide testimony regarding his review of Plaintiff’s medical records and claims, including his expert opinions rendered in connection with same. The documents reviewed and considered by Dr. Greener, as well as his opinions, are contained in the administrative record, which has been produced in this action, including without limitation on pages UHC 000300-301 of the administrative record. A copy of Dr. Greener’s curriculum vitae is available at www.ucomparehealthcare.com/drs/jack_greener/. Some or all of the foregoing documents may be used as exhibits as a summary of or support for the opinions.

2. Tara Hammond, M.D.
UBH
by and through its attorneys of record,
FIGARI & DAVENPORT, L.L.P.
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202-3796
(214) 939-2000
(not to be contacted directly)

Dr. Hammond is a medical consultant of UBH whose duties do not regularly involve giving expert testimony. Dr. Hammond was not retained or specifically employed by Defendants to provide expert testimony in this case, but rather reviewed Plaintiff's medical records and provided medical opinions to UBH regarding the claims Plaintiff submitted under the subject group medical insurance policy (the "Group Policy"). Although Dr. Hammond is not required to prepare a written report under FED. R. CIV. P. 26(a)(2), she may provide testimony regarding her review of Plaintiff's medical records and claims, including her expert opinions rendered in connection with same. The documents reviewed and considered by Dr. Hammond, as well as her opinions, are contained in the administrative record, which has been produced in this action, including without limitation on page UHC 000301 of the administrative record. A copy of Dr. Hammond's curriculum vitae is attached hereto as Exhibit "A." Some or all of the foregoing documents may be used as exhibits as a summary of or support for the opinions.

3. Lawrence D. Baker, M.D.
UBH
by and through its attorneys of record,
FIGARI & DAVENPORT, L.L.P.
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202-3796
(214) 939-2000
(not to be contacted directly)

Dr. Baker is a medical consultant of UBH whose duties do not regularly involve giving expert testimony. Dr. Baker was not retained or specifically employed by Defendants to provide expert testimony in this case, but rather reviewed Plaintiff's medical records and provided medical opinions to UBH regarding the claims Plaintiff submitted under the subject group medical insurance policy (the "Group Policy"). Although Dr. Baker is not required to prepare a written report under FED. R. CIV. P. 26(a)(2), he may provide testimony regarding his review of Plaintiff's medical records and claims, including his expert opinions rendered in connection with same. The documents reviewed and considered by Dr. Baker, as well as his opinions, are contained in the administrative record, which has been produced in this action, including without limitation on pages UHC 000313-315 and 1391-1402 of the administrative record. A copy of Dr. Baker's curriculum vitae is attached hereto as Exhibit "B." Some or all of the foregoing documents may be used as exhibits as a summary of or support for the opinions.

4. Michael A. Haberman, M.D.
UBH
by and through its attorneys of record,
FIGARI & DAVENPORT, L.L.P.
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202-3796
(214) 939-2000
(not to be contacted directly)

Dr. Haberman is a medical consultant of UBH whose duties do not regularly involve giving expert testimony. Dr. Haberman was not retained or specifically employed by Defendants to provide expert testimony in this case, but rather reviewed Plaintiff's medical records and provided medical opinions to UBH regarding the claims Plaintiff submitted under the subject group medical insurance policy (the "Group Policy"). Although Dr. Haberman is not required to prepare a written report under FED. R. CIV. P. 26(a)(2), he may provide testimony regarding his review of Plaintiff's medical records and claims, including his expert opinions rendered in connection with same. The documents reviewed and considered by Dr. Haberman, as well as his opinions, are contained in the administrative record, which has been produced in this action, including without limitation on pages UHC 000318-320 and 1417-1423 of the administrative record. A copy of Dr. Haberman's curriculum vitae is attached hereto as Exhibit "C." Some or all of the foregoing documents may be used as exhibits as a summary of or support for the opinions.

5. Andrew G. Jubinsky
Ryan K. McComber
FIGARI & DAVENPORT, L.L.P.
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202-3796
(214) 939-2000

The attorneys in this case may testify as to the reasonableness and necessity of the attorneys' fees sought to be recovered by Plaintiff, as well as the reasonableness and necessity of the attorneys' fees incurred by Defendants. Their opinions will be based upon their familiarity with the case and their experience in handling this type of case in federal court. Their professional biographies are attached here to as Exhibits "D" and "E."

6. Defendants also hereby cross-designate, and may call to testify as adverse witnesses or experts, any expert witnesses properly designated by Plaintiff herein.

7. Defendants reserve the right to supplement and amend this designation.

Date: May 1, 2014

Respectfully submitted,

By: /s/ Ryan K. McComber

Andrew G. Jubinsky

Texas Bar No. 11043000

Fed. I.D. No. 8603

andy.jubinsky@figdav.com

Ryan K. McComber

Texas Bar No. 24041428

Fed. I.D. No. 621887

ryan.mccomber@figdav.com

FIGARI & DAVENPORT, L.L.P.

3400 Bank of America Plaza

901 Main Street

Dallas, Texas 75202

Telephone: (214) 939-2000

Facsimile: (214) 939-2090

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant: Michael T. Gallagher Law Firm, LLP, 2905 Sackett Street, Houston, Texas 77098.

/s/ Ryan K. McComber

Ryan K. McComber